

REMARKS

This Amendment is being filed in response to the Final Office Action mailed January 29, 2009, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-32 are pending in the application, where claims 1 and 17 are independent.

In the Final Office Action, claims 1-7, 12-13, 17, 20-21 and 32 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,006,838 (Diener). Claims 8-11, 14-16 and 22-31 are rejected under 35 U.S.C. §103(a) over Diener in view of U.S. Patent No. 6,963,283 (Gonzales). It is respectfully submitted that claims 1-32 are patentable over Diener and Gonzales for at least the following reasons.

Diener is directed to a target terminal TT 100 "whose location u is to be measured" as recited on column 2, line 65, by the TT transmitting a signal received by MANY receivers or RT's 200, 210,

230 that have known locations. That is, the location of a target terminal TT 100 is determined by this SINGLE transmitter or TT (where its location is to be measured) transmitting a signal received by MANY receivers or RTs 200, 210, 230 having known locations. (See FIG 2, box 2000 and column 4, line 67 to column 5, line 1) For example, the Abstract specifically recites that the "target device's signal is received at a plurality of known locations." (Abstract, lines 4-5; emphasis added) In Diener, the location of the target device TT is determined based on signals between the TT and many RTs with known locations.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 17, amongst other patentable elements recites (illustrative emphasis provided):

- (a) generating a first signal that is characteristic of a first, relatively immobile object;
- (b) transmitting the first signal from the first relatively immobile object;
- (c) detecting the first signal at a receiver;
- (d) generating a second signal that is characteristic of a second, relatively immobile object;
- (e) transmitting the second signal from the second, relatively immobile object;

- (f) detecting the second signal at the receiver;
- (g) generating a third signal that is characteristic of the relatively mobile object;
- (h) detecting the third signal at the receiver;
- (i) operating a processing device operatively connected to the receiver using signal time-of-flight (t-o-f) data and/or received signal strength information (RSSI) of the first, second and third signals received by the receiver to establish a distance of the relatively mobile object respectively from the first and second relatively immobile objects.

Establishing the distance of the relatively mobile object based on signals received by a SINGLE receiver that receives three signals from the relatively mobile object itself and from two relatively immobile objects is nowhere taught or suggested in Diener. Rather, Diener discloses that the location of the target device TT is determined based on signals between the TT and many receiving or reference terminals RTs with known locations, and NOT based on signals from the TT and RTs to a single receiver.

Gonzales is cited to allegedly show other features and does not remedy the deficiencies in Diener.

Accordingly, it is respectfully requested that independent claims 1 and 17 be allowed. In addition, it is respectfully submitted that claims 2-16 and 18-32 should also be allowed at

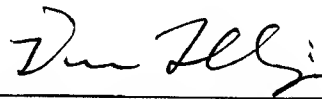
least based on their dependence from independent claims 1 and 17 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, Diener, Gonzales, and combination thereof do not disclose or suggest "removing each said portable transmitter from a storage location, interaction between each portable transmitter and the storage location maintaining it in the said deactivated state and the said removing causing the said activation," as recited in claim 10, and similarly recited in claim 25. Rather, column 2, lines 29-36 of Gonzales, referred to on page 6, lines 1-2 of the Final Office Action, merely discloses setting, by a parent, the range of a receiver worn by a child, so that if the child passes beyond the set range, or a panic button is pressed, then the receiver would beep loud and the child's ID number would flash on a screen. Such disclosure has nothing to do with, and does not disclose or suggest, that "said removing causing the said activation," as recited in claim 10, and similarly recited in claim 25.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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